

GOVERNMENT OF ANDHRA PRDESH

ABSTRACT

P.S. – T &A Dept. – Karimnagar Dist. – Irregularities noticed in Admission of cheques in respect of EFC/SFC without the Joint Signature of the Panchayat Secretary concerned contrary to the Instructions of the Collector, Karimnagar at Sub-Treasury, Mahadevur- Disciplinary Action Initiated – Sri S. Viswanadham, S.T.O. (Retd.) – Inquiry Conducted – Punishment of Withholding of 5% Cut in his Pension for a Period of One year – Final Orders – Issued.

FINANCE (Admn.III) DEPARTMNT

G.O. Rt. No. 446

Dt.7-2-2009

Read the following:

1. Lr. No. KII(6)/17804/2005, dt.30-11-2005 from the D.T.A., A.P., Hyderabad.
- 2.. Memo. No.K.II(6)/17804/2005, dt. 23-3-2006 of the D.T.A., A.P., Hyderabad.
3. Written Statement of Defence of Sri S. Vishwanadham, STO., Sub-Treasury, Mahadevpur, Karimnagar Dist. dt. 28-3-2006.
4. G.O. Rt. No. 3952, Finance (Admn.III) Dept., dt. 7-11-2006.
5. Enquiry Report of the Enquiry Officer dt. 6-6-2007.
6. Govt. Memo. No. 42794/1135-A/A1/Admn.III/2005, dt.28-7-2007. Finance (Admn.III) Dept.
7. Representation of Sri S. Viswanadham, S.T.O. (Retd.), Sub-Treasury, Mahadevpur, Karimnagar Dist. dt. 3-9-1007.
8. Lr. No. KII(6)/17804/2005, dt.28-3-2008 from the D.T.A., A.P., Hyderabad.
9. Govt. Memo. No. 42794/1135-A/A1/Admn.III/2005, dt.28-6-2008 Finance (Admn.III) Dept.
10. Representation of the Sri S. Viswanadham, S.T.O. (Retd.), dt. 12-8-2008.
11. Govt. Lr. No. 42794/1135/A2/Admn.III/2005, dt. 30-10-2008 & 17-2-2008.
12. Lr.No. 1440/RT-I/3/2008, dt. 23-1-2009 from the Secretary, AP. Public Service Commission, Hyd.

O R D E R:

Sri S. Viswanadham, S.T.O. (Retd.), while he was working at Sub-Treasury, Mahadevpur, Karimnagar Dist. committed certain irregularities by admitting the cheques of Eleventh Finance Commission/State Finance Commission without the joint signature of the Panchayat Secretary concerned, contrary to the instructions of the Collector, Karimnagar, issued in Proceedings dt.16-7-2003. Disciplinary action has been initiated against him and the details of which is as follows:

Charge-I:

That the said Sri S. Viswanadham while functioning as Sub-Treasury officer, Sub-Treasury, Mahadevapur, during period in 9/2005 and 10/2005, has admitted cheques in respect of EFC/SFC without the Joint signature of the Pancyayat Secretary concerned which is contrary to the instructions of the Collector, Karimnagar issued in Proceedings No.A2/1169/2003, dt. 4-7-2003 and A2/1395/2003, dt. 16-7-2003 and thus violatetd Rule 3 of A.P.C.S.(Conduct) rules, 1964.

Charge-II:

That the said Sri S. Viswanadham while functioning as Sub-Treasury officer, Sub-Treasury, Mahadevapur, during period in 9/2005 and 10/2005, has not maintained the specimen signature of the Panchayat Secretaries belonging to Kataram and Mahamutheram Mandals for admission of the cheques issued by Sarpanches with the Joint Signature of the Panchayat Secretary concerned and for proper verification of specimen signatures. Thus violated Rule 3 of A.P.C.S. (Conduct) Rules, 1964.

2. In the reference 3rd read above, the individual has submitted his written statement wherein for Charge-I he submitted that under certain unavoidable circumstances chiefly

on account of pressures exerted by the local people's representatives, some cheques admitted. He regretted the lapse on his part, which the Junior Accountant also failed to bring to his notice. This happened due to rush of work. However, it is confirmed by the District Panchayat Officer, Karimnagar that he did not notice any funds so drawn being misused.. A copy of the Dist. Panchayat Officer, Karimnagar letter No. A3/3600/05-Pts, dt. 25-3-2006 to the above effect was already submitted to the D.T.A., Hyderabad by the D.T.O., Karimnagar.; In respect of Charge-II he submitted that during the preliminary inquiry conducted by the then deputy Director, Dist. Treasury, Karimnagar, he was mentally disturbed and the staff could not pick up the record of specimen signatures of Panchayat Secretaries for being shown to the Deputy Director. This record was later traced and in the meantime, the concerned Sarpanches were addressed, though they were not required since the record was already traced. Under the circumstances submitted above, he shall be greatly indebted, if the above charges against him are dropped. The Charged Officer along with his written statement of defence, submitted the letter of the D.P.O., Karimnagar dt. 25-3-2006 which was addressed to the Deputy Director, Karimnagar. In the said letter it was stated that out of (14) Gram Panchayats, the records of (6) Gram Panchayats were submitted by the Sarpanchas/Panchayath Secretaries of concerned Gram Panchayats. In the remaining (8) Gram Panchayats, records are yet to be submitted by the Sarpanchas/Panchayat Secretaries, as they were busy with the computerization work related to Indiramma Programme. As per the records received so far from the Gram Panchayats, he noticed that the amounts drawn by the Sarpanchas/Panchayath Secretaries were accounted for in the cash books and utilized for the works taken up by the Gram Panchayats. In his letter the D.P.O. also stated that he received, the Xerox copies of the letters of the Sarpanches wherein they have stated that the cheques were drawn for urgent purpose without the signature of the Secretary as he was not available at that time and the amounts so drawn were not misused in any manner.

3.. Not satisfied with the written statement of defence, Government have appointed Sri K. Jagan Mohan Goud, Joint Director, Sangareddy as common Enquiry officer vide reference 4th read above and a regular Enquiry was conducted.

4.. The Enquiry Officer furnished his report vide reference 5th read above and the D.T.A., Hyderabad vide his letter dt. 6-7-2007 furnished the said Report to the Government for taking further action in respect of Sri S. Viswanadham, S.T.O. (Retd.) as he was retired from service on 31-3-2006 on attaining the age of superannuation.

5.. The Charged Officer was furnished with the copy of Enquiry Report under Rule 21 of A.P.C.S. (CC&A) Rules, 1991, vide reference 6th cited and requested to submit his representation on the Enquiry Report

6. The individual submitted his representation on Enquiry report vide reference 7th read above wherein he stated that, for Charge-I: there are many practical difficulties in implementing the rule of joint signature, among them are i) lack of transportation facilities for the interior villages within the jurisdiction of Mahadevpur Sub-Treasury, ii) temporary absence of Panchayat Secretaries being contract employees and iii) the area is being Naxal infected. He further stated that there will be a lot of inconvenience in the drawal of funds and consequently the works would be held up, defeating the purpose for which drawal was intended. It would indirectly give rise to criticism and complaints from local leaders and employees of the Panchayat Raj Department. He also stated that there is no monetary loss and is only a procedural lapse and requested for dropping the above charge against him. For Charge-II he has stated that during the Enquiry, the Enquiry Officer mentioned that, the specimen signatures were not produced before the Deputy Director, Dist. Treasury, Karimnagar during his preliminary enquiry though they were shown at the regular enquiry. At the time of enquiry also he stated that the file was misplaced and therefore he could not show it to the Deputy Director. But the enquiry Officer expressed a doubt over the maintenance of specimen signatures pertaining to the various D.D.Os. In view of the above the Charged Officer pointed out requested for considering 'whether a doubt expressed by the Enquiry officer in departmental enquiries can be taken as proof to establish that the charge held proved. He further quoted the following Rule positions in his support. i) T.R. 29, SR 32 (d), TR 16 cited in the enquiry report in holding the charge proved appear to be un-related and not relevant to the charge. TR 29 deals with the sending of specimen signatures (and not maintenance) whenever there is a change of officers. ii) SR 32 (d), TR 16 deals solely in respect of check of bills

(and not cheques) presented at the Treasury. Lastly he requested that it will be pathetic, tormenting and unbearable for him as he rendered unblemished service throughout, and he as to meet pending liabilities like marriages of his children etc. If a punishment of withholding of pension is awarded to him for a lapse on his part which is only procedural in nature, it will be unbearable for him, and finally requested to drop further action.

7. After careful examination of the material i.e., Charge Memo., Written Statement of defence, enquiry Report, representation of the Charged Officer on Enquiry Report, Remarks of the DTA in the reference 8th read above, Government observed that there is only procedural lapse and no monetary loss involved and also the amounts so drawn without the joint signatures of the Panchayat Secretaries were utilized properly and no misappropriation took place. Since he has retired from service, Government have come to a provisional conclusion to impose the punishment of withholding of 5% of pension for period of 1 (one) year on Sri S. Viswanatham, S.T.O. (Retd.) and accordingly final show cause notice was issued to the individual under Rule 9 of A.P. Revised Pension Rules, 1980 vide reference 9th read above.

8. In the reference 10th read above, the individual submitted representation accepting the said proposed punishment and requested for release of pensionary benefits at an early date.

9. In the reference 11th read above, Government addressed the A.P.P.S.C. for concurrence on the proposed punishment of withholding of 5% of his pension for a period of 1 (one) year against Sri S. Viswanadham, S.T.O. (Retd.) and in the reference 12th read above, the A.P.P.S.C. has also agreed for the same.

10. Accordingly, Government hereby order for imposing the punishment of withholding of 5% of his pension for a period of 1 (one) year on Sri S. Viswanadham, S.T.O. (Retd.), Sub-Treasury, Mahadevpur, Karimnagar Dist. under Rule 9 of A.P. Revised Pension Rules, 1980.

11. The Director of Treasuries and Accounts, Hyderabad shall take necessary action accordingly and serve this order on the individual and send the duplicate copy with his acknowledgement to the Government, at the earliest.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)

To
Sri S. Viswanadham,
S.T.O. (Retd.),
Sub-Treasury, Mahadevpur,
Karimnagar Dist.

(through the DTA, A.P., Hyd.)

Copy to: The D.T.A., A.P., Hyd.
The A.P. Public Service Commission,
Hyd.

// Forwarded :: By Order //

SECTION OFFICER